

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

**RECEIVED**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NOV 14 2023  
THOMAS G BRITTON  
CLERK, U.S. DISTRICT COURT

Eddie Burch

Plaintiff(s),

vs.

Case No.

23cv50411

Judge Iain D. Johnston

Magistrate Judge Margaret J. Schneider

Rockford Police Department,  
Andrew Kennington Star # RP0266,  
Rockford Housing Authority, Kendra Upchurch,  
A. Thompson Star # RP  
Defendant(s).

**COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS**

*This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.*

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is Eddie Burch.

*If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.*

Rockford Police Department,  
Andrew Kennington Star # RP0266  
Rockford Housing Authority, Kendra Upchurch,  
A. Thompson Star # RP

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4. Defendant, Andrew Kennington Star # RP0266, is  
(name, badge number if known)
- ☒ an officer or official employed by Rockford Police Department;  
(department or agency of government)
- \_\_\_\_\_ or
- ☐ an individual not employed by a governmental entity.

*If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.*

5. The municipality, township or county under whose authority defendant officer or official acted is Winnebago. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about November 1, 2023, at approximately 1:30 p.m ☐ a.m. ☐ p.m.  
(month, day, year)
- plaintiff was present in the municipality (or unincorporated area) of \_\_\_\_\_
- Rockford Illinois, in the County of Winnebago,
- State of Illinois, at Olsen Plaza.  
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (*Place X in each box that applies*):

- ☒ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☒ searched plaintiff or his property without a warrant and without reasonable cause;
- ☒ used excessive force upon plaintiff;
- ☒ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with needed medical care;
- ☒ conspired together to violate one or more of plaintiff's civil rights;
- ☒ Other:  
Released juvenile information on public form

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): Prohibited Use Of Force By Peace Officers  
V-E-1 Use of Force as punishment or retaliation  
VIII- Duty To Intervene (a)(b) 1X-C- De Escalation (1)(2)
8. Plaintiff was charged with one or more crimes, specifically:  
Disorderly conduct complaint by property manager Kendra Upchurch
9. (*Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"*) The criminal proceedings
- ☒ are still pending.
- ☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.<sup>1</sup>
- ☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

<sup>1</sup>Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

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10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

On November 1st 2023 at 1:30 p.m. officer Andrew Kennington, Officer A. Thompson, and a third unknown  
Officer at this time showed Up at the Plaintiff apartment with a complaint from Defendant Kendra Upchurch.  
Plaintiff step in the hallway to address the complaint, at which time Officer A. Thompson and Officer Andrew  
Kennington began antagonizing the Plaintiff stating "he was living rent free and stalking the property manager".  
I asked Laura Schram my personal assistant to come record and at which time Officer Andrew Kennington  
Try to intimidate her saying she was not on the lease and was not authorized to be in the apartment.  
Officer Andrew Kennington stated I was being issue of citation for disorderly conduct then went downstairs  
to write the citation. Officer Andrew Kennington then served the Plaintiff trespassing form and citation  
in the back of the police truck. Officer Andrew Kennington disclosed juvenile information on trespassing  
form that was irrelevant to the Incident.

On November 2, 2023 the Plaintiff went into Rockford P.D to file a complaint but was told only a email to the Chief  
would happen and the Chief would reach out.

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

Emotionally and mentally injured

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

On November 1st 2023 at 1:30 p.m. Officer A. Thompson came to the Plaintiff door with Officer Andrew Kennington  
an unknown officer.. The Plaintiff step into the hallway to speak with officers and Officer A. Thompson  
Immediately start antagonizing the Plaintiff. As Officer Andrew Kennington went downstairs to write  
the Plaintiff citation as the Plaintiff tried to go into his apartment but Officer A Thompson placed his foot  
in the Plaintiff door preventing him to close ge door. After Officer A. Thompson refused to remove his foot  
from my door i said i would just come back into the hallway. Officer A. Thomas and the unknown Officer  
grabbed me and slammed me against the wall placing me a handcuffs saying I was under arrest disorderly conduct

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

Emotionally and mentally injured

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

On November 1st 2023 at around Defendant Kendra Upchurch confronted the Plaintiff about a motorcycle

the Defendant stated someone sent a video in a group chat about the Plaintiff motorcycle in the hallway

after asking to see the video the Defendant begin to get loud with the Plaintiff and walk away.

the Plaintiff went to the office to request a FOIA to get video footage at which time the defendant

said she was calling police because she didnt want to talk any more.

At 1:30 p.m Defendant Officers came to the plaintiff door stating Defendant Upchurch said i was stalking

her

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

Emotionally and mentally injured

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No



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14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

**WHEREFORE**, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☐ (*Place X in box if you are seeking punitive damages.*) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: Eddie Burch

Plaintiff's name (*print clearly or type*): Eddie Burch

Plaintiff's mailing address: 511 N Church St Apt 401

City Rockford State Illinois ZIP

Plaintiff's telephone number: ( ) 3312435142

Plaintiff's email address (*if you prefer to be contacted by email*):

eddiedburch1015@gmail.com

15. Plaintiff has previously filed a case in this district. ☐ Yes ☒ No

*If yes, please list the cases below.*

***Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.***